

Lane	Phillips
Lock	Proffer
Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick

Absent—Excused

Carney

C. S. S. B. No. 19 was then passed to engrossment.

Motion to Place C. S. S. B. 19 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 19 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

Yeas—21

Aikin	Moffett
Bell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick
McDonald	

Nays—9

Ashley	Hazlewood
Bracewell	Hudson
Cousins	Kelly of Tarrant
Hardeman	Weinert
Harris	

Absent—Excused

Carney

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 14, Inviting Major General Lewis B. Hershey to address a

joint session of the Senate and House of Representatives at 11 o'clock a.m., Wednesday, February 9, 1949.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Aikin, the Senate at 12:50 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTEENTH DAY

(Wednesday, February 9, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Carney Colson

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Hudson, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Colson was granted leave of absence for today on account of a death in the family on motion of Senator Aikin.

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Lane.

Reports of Standing Committees

Senator Proffer submitted the following reports:

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 115, have had same under consideration and beg to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof and be printed.

PROFFER, Chairman.

C. S. S. B. No. 115 was read first time.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 116, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 117, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 128, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 200, have had

same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be not printed.

JONES, Chairman.

Senator Morris submitted the following report:

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill No. 57, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be printed.

MORRIS, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Ashley:

S. B. No. 211, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925; amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the Assessor and Collector of Taxes in assessing and collecting State and County and other taxes and for issuing ad valorem tax certificates; and repealing all laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 212, A bill to be entitled "An Act creating and establishing Road District Number 9 of Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding con-

tracts for road construction the Commissioners Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another Road District having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Harris:

S. B. No. 213, A bill to be entitled "An Act making an appropriation of Twelve Hundred Ninety-eight (\$1,298.00) Dollars to pay the salary of Ralph K. Gillen as Special Judge of the One Hundred and First District Court of Dallas County, Texas; and declaring an emergency."

To Committee on Finance.

By Senator Bullock:

S. B. No. 214, A bill to be entitled "An Act validating independent school districts which were originally established in one county but which have been redefined by county boards of trustees so as to include territory in more than one county where an order redefining and fixing such boundaries has been passed by the county board of trustees of each county in which such district is situated; validating such orders passed by county boards of trustees; validating elections held in such districts to authorize maintenance taxes, assumptions of bonded indebtedness, and the issuance of bonds; enacting other provisions relating to the subject; providing that this act shall not apply to any district involved in litigation brought by voters or taxpayers therein questioning the creation, annexation or consolidation of such district; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shofner:

S. B. No. 215, A bill to be entitled "An Act requiring all railroad com-

panies or receivers of any railroad companies to equip cabooses or other cars used as cabooses with electric lights; prescribing a penalty for violation of Act; providing that if any section, sentence, or clause shall be declared invalid by the courts, that other sections or parts of this Act shall not be affected thereby, and declaring an emergency."

To Committee on Labor.

By Senators Morris and Bullock:

S. B. No. 216, A bill to be entitled "An Act for the regulation of the cleaning, dyeing and/or pressing business in Texas; defining terms; creating the 'State Dry Cleaners Board' and providing for the appointment of its members and their compensation; defining the duties and powers of the 'State Dry Cleaners Board' and authorizing the Board to adopt and promulgate rules and regulations to carry out the purposes of this act; providing that persons, firms, corporations or associations shall obtain a license from the State Dry Cleaners Board to engage in the business of cleaning, pressing and/or dyeing and providing for license fees; providing that persons, firms, corporations or associations engaged in such business at the time of the effective date of the Act shall be entitled to a license upon payment of required fees; providing for the allocation of funds collected by the Board; authorizing the State Dry Cleaners Board to decline to grant or to revoke licenses after due notice and hearing for violation of the provisions of this Act; providing for appeals to the courts from the orders of the Board; providing that persons engaging in the business of cleaning, dyeing and/or pressing without the license required by this Act shall be guilty of a misdemeanor and providing penalties; providing for the partial invalidity hereof and declaring an emergency."

To Committee on State Affairs.

By Senator Corbin:

S. B. No. 217, A bill to be entitled "An Act authorizing counties to lease their county hospital, provided the commissioners' court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to lease such hospital; and provided further that prior to the provisions of such order becoming effective, such commissioners' court shall fix a time and place for a public

hearing upon such question and shall issue notices of such public hearing; providing for the submission of such question to a referendum vote in event a petition is submitted bearing the signatures of ten per cent of the voters of said county; enacting provisions incident and relating to the subject; providing that if any provision of this act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith to the extent of such conflict and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senators Vick, Shofner, Bullock, Moffett, Martin and Moore:

S. B. No. 218, A bill to be entitled "An Act to prevent default by the State's Agency, Brazos River Conservation and Reclamation District, occasioned by absence of State tax levies for General Revenue purposes, the proceeds of such omitted tax levies having been previously granted to such District by irrepealable legislative act, by making an appropriation for the benefit of the District, enacting other provisions related to the subject, and declaring an emergency."

To Committee on Finance.

By Senator Hudson:

S. B. No. 219, A bill to be entitled "An Act providing for the Commissioners' Courts in Counties wherein Union Junior College Districts, County Junior College Districts and Joint County Junior College Districts are located to order the election of the first board of trustees, determine and designate the number and location of polling places, appoint election judges, receive and canvas returns, declare the results, issue election certificates, and administer the oath of office; prescribing time for such order to be made before election and giving of notice of election by posting notice thereof; providing for such duties to be performed by the Board of Trustees of Junior College Districts; in all subsequent elections of trustees; prescribing manner of getting names of candidates on the ballots; declaring method of determining election results; prescribing qualifications of voters; providing method of filling vacancies; repealing all laws or parts

of laws in conflict with this Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Hudson:

S. B. No. 220, A bill to be entitled "An Act creating the 131st Judicial District Court for Ector County; providing that said court shall not have criminal jurisdiction; providing for terms of said court; providing for the appointment of a judge of said court, the election of a judge, and making an appropriation; providing that the District Clerk of Ector County shall assume and perform the duties of the clerk of the 131st Judicial District Court; providing that such clerk shall prepare a docket for the 131st Judicial District Court and providing the manner of distributing pending cases on the docket of the existing 70th Judicial District Court in Ector County; providing for status of the cases on trial or appeal in the existing district court of Ector County; providing that the judge of the existing district court shall make the proper orders transferring such cases to the 131st Judicial District Court; providing for the numbering, filing, and docketing of the cases in the district courts of Ector County; providing for the transfer of cases from one district court to the other and notice of such transfer; providing for the services of a court reporter; and declaring an emergency."

To Committee on Judicial Districts.

Senate Resolution 39

Senator Vick offered the following resolution:

Whereas, The students of the Social Science Classes of the Lorena High School are in the City of Austin and are now present in the Gallery of the Senate; and

Whereas, Said classes are accompanied by our sponsor and teacher, Mr. Lloyd H. Taylor; and

Whereas, The Senate of the State of Texas desires to recognize their visit to Austin; now, therefore, be it Resolved, By the Senate of Texas, that the students of the Social Science Classes of the Lorena High School of McLennan County and Mr. Lloyd H. Taylor be officially welcomed to the State Capitol.

The resolution was read and was adopted.

Committee to Escort Major General Lewis B. Hershey to Joint Session

In accordance with the provisions of S. C. R. No. 14, adopted on yesterday, the President announced the appointment of the following committee on the part of the Senate to escort General Hershey to the Joint Session:

Senators Moore, Ashley, Kelly of Tarrant and Bracewell.

Joint Session

(To hear address by Major General Lewis B. Hershey)

At 11:00 o'clock a.m., the President announced that the hour heretofore fixed for a Joint Session of the Senate and House of Representatives to hear address by Major General Lewis B. Hershey had arrived and requested the Senators to repair in a body to the Hall of the House.

The President and Members of the Senate, escorted by Honorable Garland Smith, Secretary of the Senate, proceeded in a body to the Hall of the House and were duly announced and escorted to seats reserved for them along the center aisle.

The President pro tempore, by invitation of the Speaker, occupied a seat on the Speaker's rostrum, and called the Senate to order.

A quorum of the Senate was announced present.

Honorable Durwood Manford, Speaker of the House of Representatives, called the House to order and ascertained and announced the presence of a quorum of the House.

Major General Hershey was announced at the bar of the House and was escorted to the Speaker's stand by Senators Moore, Ashley, Kelly of Tarrant and Bracewell on the part of the Senate and Representatives Nokes, Timmons, Pyle, Wagonseller and Blount on the part of the House.

Also seated on the Speaker's stand were Colonel Paul Wakefield, State Director of Selective Service, Colonel Morris Schwartz, Deputy Director of Selective Service, General K. L. Berry, Adjutant General of Texas and Lieutenant Kelton Spillar, Aide to General Berry.

Speaker Manford then presented General K. L. Berry who introduced General Hershey to the Joint Session.

General Hershey then addressed the Joint Session.

At the conclusion of the address, the President pro tempore announced the business of the Joint Session concluded and requested the Senate to retire to its Chamber.

In the Senate

The President called the Senate to order at 11:40 o'clock a.m.

Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolutions:

H. C. R. No. 4, Congratulating the Governor on his birthday.

S. C. R. No. 14, Providing for Joint Session to hear an address by Major General Lewis B. Hershey.

Messages From the Governor

The President laid before the Senate and directed the Secretary to read the following messages from the Governor:

Austin, Texas,
February 9, 1949.

To the Members of the 51st Legislature:

One of the most important problems facing the State of Texas today is the preservation of our title to the lands beneath navigable waters within the boundaries of the State. As you know, the United States has asked the Supreme Court of the United States for permission to sue Texas for lands beneath the marginal sea which have always been recognized as the property of this State since the days of the Republic. Also, there is pending in the Congress proposed legislation which would assert Federal ownership and control over the lands. If the Federal Government is successful in its efforts, the citizens and the Public School Fund of Texas will lose millions of dollars already collected from these lands and possibly billions of dollars in future revenues.

The Federal claims cover not only oil and other minerals, but the fish, oysters, shrimp, sand, gravel, and everything else of value below low-tide along the coastline. At this moment, certain Federal agencies are proposing to set up zones for Federal regu-

lation and control of fishing within our coastal salt waters. The claims have also clouded titles to land under inland navigable waters.

I am sure you realize the importance of this fight to the people of Texas. The Texas Legislature can help preserve these lands by providing special appropriations necessary for the Attorney General to defend and prosecute the pending and future lawsuits and the necessary funds to the School Land Board to cooperate with the other States in opposing the Federal claims and securing recognition by the Congress of State ownership. The Legislature also can assist materially by enacting additional necessary laws relating to State supervision, control, and conservation of these lands and resources.

I shall list the present proposals which require immediate action, and I hereby recommend your consideration of same at the earliest possible time.

1. An emergency appropriation to the Attorney General of Texas for the purposes of defending the title of the State of Texas to lands beneath navigable waters within the State's boundaries, and employment of additional personnel to defend the suit filed by the United States against Texas, and for the conduct of additional research and litigation, for which purposes present appropriations are insufficient. The need for this legislation is immediately urgent because the Attorney General must organize a research staff and prepare his briefs and arguments for the Supreme Court of the United States.

2. An emergency appropriation to the School Land Board for the purpose of cooperating with other States in opposing Federal control of State submerged lands, advocating continued State ownership, and presenting facts and arguments to the Committees of Congress. The urgency of this legislation is evident from the fact that Congressional Committees will commence hearings immediately on Federal control proposals, and other State Legislatures are now in session and should be contacted concerning this mutual problem.

3. An act providing for such custody, control, and use of the tidelands and lands beneath navigable waters as is not provided by existing laws, and authorizing the Attorney General to institute suits for the re-

covery of title, use, and possession of such lands for the benefit of the public.

4. An act which would provide for the conservation and protection of fish, shrimp, oysters, and other edible aquatic life in the tidal waters of the State, providing for licensing commercial fishermen and commercial fishing boats, and authorizing rules and regulations of the Game, Fish and Oyster Commission for the protection and conservation of such property.

5. An act authorizing the issuance of permits for geological, geophysical, and other exploration work on submerged lands of the State, and providing for rules and regulations and compensation for such permits.

Under the authority of Section 5 of Article III of the Constitution of Texas, I submit such matters as subjects for emergency legislation.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
February 7, 1949.

To the Members of the 51st Legislature:

Our State government is faced with a serious emergency in the loss of many-valued employees who have not been able to continue in the public service in view of the increased cost of living.

Qualified personnel are not interested in filling these vacancies at prevailing salary scales.

Those faithful employees who are trying to continue in the service of the State are facing great difficulty and hardship not conducive to efficient performance of duty.

While our State salaries have been increased 17.2% since 1939, the real income or purchasing power of the average State employee is slightly less than one-half of 1939 purchasing power in terms of 1939 salary scales.

I know that you wish to take prompt action to give some measure of relief to our State employees and to enable the agencies of our government to retain or recruit qualified staff members.

For that reason and under authority of Section 5, Article III of the Constitution of Texas, I hereby submit as a subject for emergency legislation an increase in the salaries of

State employees for the remainder of the current fiscal year.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

At Ease

On motion of Senator Strauss, the Senate at 11:55 o'clock a.m., agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 12:05 o'clock p.m.

Executive Session

On motion of Senator Strauss, the Senate agreed to hold an executive session at 12:05 o'clock p.m. today.

Accordingly the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the

Journal Clerk that the Senate had confirmed the following nomination of the Joint Legislative Audit Committee:

C. H. Cavness, to be State Auditor for the term expiring February 15, 1951.

In Legislative Session

The President called the Senate to order as in Legislative session at 12:20 o'clock p.m.

Committee to Select Poet Laureate

Pursuant to the provisions of S. C. R. No. 9, the President announced the appointment of the following committee to select a Poet Laureate for the State:

Senators Bell, Proffer and McDonald.

Adjournment

On motion of Senator Kelley of Hidalgo, the Senate at 12:25 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

In Memory of

Mr. John G. Kenedy, Jr.

Senator Bell offered the following resolution:

(Senate Resolution 40)

Whereas, On November 26, 1948, the State of Texas lost one of her most distinguished and beloved sons when John G. Kenedy, Jr., died while on a visit to Saltillo, Mexico; and

Whereas, For over a hundred years the achievements of the Kenedy family have been an imperishable part of the dramatic history of Texas, from the time when Colonel Mifflin Kenedy, founder of the great Kenedy Ranch and an outstanding pioneer, came to Texas to cast his lot with the young State and contributed so much to its development; and

Whereas, John G. Kenedy, the son of Colonel Kenedy, ably continued the work of his father and was succeeded upon his death in 1931 by his son, John G. Kenedy, Jr., and his daughter, Mrs. Sarita K. East; and

Whereas, John G. Kenedy, Jr., kept bright the record of his family through his lifetime, as a graduate of A. & M. and as a generous citizen and devoted member of his Church; and

Whereas, As a graduate of A. & M., John G. Kenedy, Jr., always retained his interest in the welfare of that great college and served as a member of the A. & M. Research Foundation and, with Mrs. Kenedy, for many years has been host for the Texas A. & I. Aggie Club Roundup; and

Whereas, He was always a devoted son of the Church and added his gifts to that institution as had his parents, on whose old homestead now stands the Cathedral of Corpus Christi; and

Whereas, He was made a Knight of the Order of St. Gregory the Great, an honor conferred on those of his faith who have labored hard for their beliefs; now, therefore, be it

Resolved, By the Senate of the State of Texas that it hereby expresses its sorrow at the loss sustained by the State of Texas in the passing of John G. Kenedy, Jr., and that copies of this resolution be sent to Mrs. Kenedy, who shared with her husband the achievements of a life of good works, and to his sister, Mrs. Sarita K. East, his associate in the family enterprise; and, be it further

Resolved, That a copy of this resolution be spread upon the minutes of the Senate Journal and that when the Senate adjourns today it do so in the memory of John G. Kenedy, Jr.

BELL
KELLEY of Hidalgo
STRAUSS
HARRIS

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Harris, the names of the Lieutenant Governor and all members of the Senate, were added to the resolution as signers thereof.

The resolution was adopted.